

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**AUSTIN MICHAEL EVANS**

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)

**NO. 3:11-cr-00020-2**

**JUDGE HAYNES**

**UNITED STATES' RESPONSE TO MOTION TO MODIFY CONDITIONS OF RELEASE**

The United States of America, by and through the undersigned Assistant United States Attorney, and hereby submits the following response in opposition to defendant's motion to modify conditions of release to allow him to reside at his family home (hereinafter "Motion"). (R. 148, Motion, Page ID# 373-376).

On April 15, 2013, the defendant pleaded guilty to conspiracy to possess with intent to distribute cocaine in violation of Title 21, United States Code, Section 846. On July 26, 2013, this Court sentenced defendant to 60-months imprisonment and three years of supervised release with special conditions, including placement in a halfway house for 20 months.

While defendant has apparently complied overall with the conditions of his supervised release, adhering to those conditions should not automatically serve as a basis for modifying defendant's supervised release. The defendant's modification request would transition him from the halfway house, where he has resided for only about four months, to his mother's home where he would reside with his mother and her husband. The defendant suggests that twenty months in a residential reentry center environment may be counter-productive and that he is "taking up valuable bed space at a halfway house which would be better utilized for an inmate matriculating back to the community after service of long sentence" (R. 148, Motion, Page ID# 374) and who lacks the type of support network the defendant believes he has in place. The defendant requests

this modification of supervised release allegedly to have better access to family and to better pursue potential educational and vocational opportunities.

Presently, the United States objects to the modification requested and does not believe the defendant has demonstrated a sufficient reason for modification of supervised release at this time. Given the nature and circumstances of the offense, the relatively short period of time he has been on supervision at the halfway house, and to provide the structure and rehabilitation envisioned by the Court at sentencing, which is apparently having a positive effect to this point, the defendant should remain under the current conditions of his supervised release for the present time.

### **CONCLUSION**

WHEREFORE, the United States respectfully requests this Court deny defendant's motion to modify conditions of his supervised release at this time.

Respectfully submitted,

DAVID RIVERA  
UNITED STATES ATTORNEY

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded, via the electronic case filing system, to Peter J. Strianse, on the August 11, 2015.

s/ Philip H. Wehby  
Philip H. Wehby  
Assistant United States Attorney